REMARKS

This Preliminary Amendment is being submitted to further amend claim 1 beyond the amended version reflected in the unentered Amendment previously filed on May 15, 2001, under 37 C.F.R. § 1.116 in the prior non-provisional application.

In view of the above amendment and following remarks, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1-8, 10, and 12-25.

1.   Applicants thank the Examiner for identifying on the Advisory Action, Paper No. 17, the Campbell, Jr. reference (U.S. Pat. No. 5,690,242; hereinafter "Campbell"). Applicants note that Campbell does not appear to be of record in the prior non-provisional case and respectfully request that the Examiner cite the Campbell reference on a PTO-892 form to be included in the next Patent Office communication.

2.   Applicants have amended claim 1 to further define the configuration of the anti-rotation lug 18. The anti-rotation lug 18 includes a planar, longitudinally disposed surface that extends radially outwardly from the outer surface of the body 12. The planar surface remains accessible when the cap 14 is engaged with the body 12. No new matter has been added, as this configuration of the anti-rotation lug 18 can be seen in, for example, Applicants' Figures 1, 2, 4, and 5. Furthermore, the longitudinal axis 48 is as shown in, for example, Figure 6.

The lugs 15 of Floyd (U.S. Pat. No. 4,904,450; also cited in the Advisory Action and on PTO Form 892, Paper No. 7, mailed January 21, 2000) are generally semi-cylindrical projections from the casement 11. The Campbell lugs are generally circular, pin-like projections from the container 14. Given their respective geometries, neither the Floyd nor Campbell lugs have the claimed "planar, longitudinally disposed surface extending radially outwardly from said body outer surface." In contrast to Applicants' claimed invention, the lugs of Floyd and Campbell present arcuate or curved surfaces extending outwardly from their respective container bodies.

CONCLUSION

In view of the foregoing, Applicants submit that claims 1-8, 10, and 12-25, as amended herein, and claim 26 as added in the unentered Amendment of May 15, 2001, are clearly and patentably distinguished over the cited references, either alone or in combination, and are therefore allowable. Applicants respectfully request entry of this Preliminary Amendment and the previously unentered Amendment, reconsideration, withdrawal of the rejection of claims 1-8, 10, and 12-25, and early favorable action by the Examiner.

The Examiner is cordially invited to contact Applicants' undersigned representative at the number listed below to discuss any outstanding issues.

Respectfully submitted,

Date: June 15, 2001
Reg. No. 44,691

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VERSION WITH MARKINGS TO SHOW CHANGES MADE
June 15, 2001

IN THE CLAIMS:

1. (Four times amended) A sample vial for use in an automated test apparatus, the
   sample vial comprising:

   a body comprising an outer surface, an open end, a closed end, and at least one
   anti-rotation lug about said body outer surface, the anti-rotation lug
   comprising a planar, longitudinally disposed surface extending radially
   outwardly from said body outer surface;

   a cap releasably engagable with said body, said cap comprising an outer surface
   and a torque pattern on said cap outer surface, said torque pattern comprising a
   plurality of radially disposed ribs; and

   a seal disposed between said body and said cap so as to be capable of forming a
   substantially fluid-tight seal therebetween,

   wherein the planar surface of the at least one anti-rotation lug is accessible when
   the cap is engaged with the body for reacting against proximate structure to
   facilitate at least one of removal and installation of the cap.